

Applicant : James R. Trethewey  
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Filed : September 18, 2001  
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Attorney's Docket No.: 10559-494001 / INTEL P11786

### Remarks

In the Office Action mailed December 15, 2004, the Examiner rejected all pending claims 1-40. In response, Applicant has amended claims 1, 2, 12-17, 27-30, 33-35 and 39. As such, claims 1-40 are pending. Applicant requests reconsideration in view of the amendments and the following remarks.

### Claim Objections

The Examiner objected to claim 35 as being informal because of appearing to include a grammatical error. Applicant has amended claim 35 to include commas that set off the "when executed by a processor in a networked computer" clause in order to make clear that the *instructions*, which are stored on the computer readable medium, perform the recited functions.

### Claim Rejections – 35 U.S.C. § 102(e) and 35 U.S.C. 103

The Examiner rejected claims 1-5, 9-20 and 24-34 under 35 U.S.C. § 102(e) as being anticipated by Bruck et al., U.S. Patent No. 6,801,949. Of this group, claims 1, 17 and 30 are independent. In addition, the Examiner rejected dependent claims 6-8 and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Bruck et al., U.S. Patent No. 6,801,949, in view of another reference. The Examiner then rejected independent claim 35 and corresponding dependent claims 36-40 under 35 U.S.C. § 103(a) as being unpatentable over Bruck et al., U.S. Patent No. 6,801,949, in view of another reference.

Applicant has amended claims 1, 2, 12-17, 27-30, 33-35 and 39 to recite that a unique network address of a server is a unique *real* network address. Support for the amendments can be found throughout the application, for example, at page 7, lines 16-22, and at page 12, lines 19-22. The amendments add no new matter.

Independent claim 1 is directed to a method of providing a remote networked computer with a service session. The method includes receiving from the remote computer a packet-based message comprising a request for a service session, assigning one of several servers to be used

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by the remote computer in the service session, and transmitting to the remote computer a packet-based message comprising the unique real network address of the assigned server.

Independent claim 17 describes an apparatus for providing service sessions to remote networked computers. The apparatus includes a plurality of servers, each server having a unique real network address.

Independent claim 30 describes an apparatus that assigns, for a service session, one of a plurality of servers that has a unique real network address, to be used by a remote computer in the service session. The apparatus assigns one of the plurality of servers in response to receiving a packet-based message comprising a request for the service session from the remote computer. The apparatus transmits, to the remote computer, a packet-based message containing the unique real network address of the assigned server.

Independent claim 35 describes a computer-readable medium having stored thereon program instructions that, when executed by a processor, transmit a packet-based message comprising a request for a service session to a remote service provider. In response to receiving from the service provider a packet-based message comprising a unique real network address for one of a plurality of servers that has been assigned for the service session, the program instructions cause the computer to transmit during the service session packet-based messages addressed to the unique real network address of the assigned server.

Bruck does not describe servers that are referenced by unique *real* network addresses. Rather, Bruck discloses a server system with a front layer server system, or server cluster, that communicates with a network, such as the Internet, and also communicates with a backend server layer having multiple computers functioning as application servers (col. 6, lines 27-32; FIG. 2). In the Bruck system, a server cluster may be disposed between an external subnet and internal subnets (col. 7, lines 15-19). For each subnet, the Bruck system maintains a set of dynamically assignable IP addresses, referred to as a *virtual* IP pool (VIP) (col. 8, lines 1-5). "Users or host machines on both sides of the server cluster ... know of and ... direct data packets to an address in one of the *virtual* IP pools, rather than the primary IP address associated with each server cluster machine." (Italics added; see col. 8, lines 17-22).

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Bruck does not anticipate any of the pending independent claims because Bruck does not disclose all limitations in the amended independent claims. For example, Bruck does not disclose a method, an apparatus or a computer readable medium that uses a real network address to direct messages to a server during a service session. Rather, Bruck relies on a virtual network address to direct messages to a server during a service session (col. 8, lines 17-22).

Neither are any of these claims rendered obvious, either alone or in combination with any other prior art. Bruck teaches away from using *real* network addresses during a service session. Bruck uses *virtual* network addresses in order to provide a "resilient network connection in which network addresses can be moved among the cluster machines without breaking network connections between clients and servers." (See col. 3, lines 1-3). The differences described above provide advantages not contemplated in the prior art. For example, use of a unique *real* network address prevents a load balancer from becoming a service bottleneck and avoids the latency problems and inefficient use associated with unnecessarily routing traffic through the load balancer.

Accordingly, independent claims 1, 17, 30 and 35 define an invention over the prior art, and Applicant requests that the rejections be removed. Furthermore, claims 2-16, 18-29, 31-34 and 36-40 depend directly or indirectly from claims 1, 17, 30 and 35, and are therefore also allowable.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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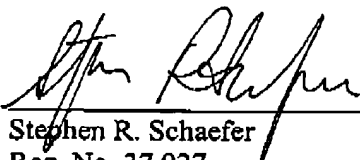
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No fees are believed to be due at this time. If this is in error, please apply any charges to deposit account 06-1050.

Respectfully submitted,

Date:

Feb. 15, 2005



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